



Entered on Docket
March 02, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case Nos. BK-S-06-10725 LBR
Case Nos. BK-S-06-10726 LBR
Case Nos. BK-S-06-10727 LBR
Case Nos. BK-S-06-10728 LBR
Case Nos. BK-S-06-10729 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Chapter 11

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

**ORDER DENYING USA
COMMERCIAL REAL ESTATE
GROUP, INC.'S MOTION TO
ENFORCE ORDER GRANTING
DEBTORS' MOTION
TO DISTRIBUTE FUNDS**

(AFFECTS ALL DEBTORS)

Hearing: January 31, 2007
Hearing Time: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM
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The Motion to Enforce Order Granting Debtors' Motion to Distribute Funds ("Enforcement Motion") filed on September 27, 2006 [Docket No. 1388] by USA Commercial Real Estate Group, Inc. ("USA Real Estate") having been continued and coming before this court on January 31, 2007 after notice; USA Commercial Mortgage Company appearing by and through its counsel, Annette W. Jarvis, Esq. of Ray Quinney & Nebeker, P.C.; USA Real Estate appearing by and through its counsel, Jeffrey R. Sylvester, Esq. of Sylvester & Polednak, Ltd.; the Court having reviewed the briefs on file and having heard the arguments and representations of counsel and having made its findings of fact and conclusions on the record, it is hereby

ORDERED that the Enforcement Motion is denied.

Submitted by:

Approved / Disapproved by:

RAY QUINNEY & NEBEKER P.C. and
SCHWARTZER & MCPHERSON LAW FIRM

OFFICE OF THE U.S. TRUSTEE

By: /s/ Jeanette E. McPherson
LENARD E. SCHWARTZER, ESQ.
JEANETTE E. MCPHERSON, ESQ.
Attorneys for Debtor and Debtor-In-Possession

By: _____
AUGUST B. LANDIS, ESQ.

Approved/Disapproved by:

Approved/Disapproved by:

LEWIS AND ROCA, LLP

GORDON & SILVER, LTD.

By: /s/ Rob Charles
SUSAN FREEMAN, ESQ.
ROB CHARLES, ESQ.
*Counsel for the Official Committee of
Unsecured Creditors of USA Commercial
Mortgage Company*

By: _____
GERALD M. GORDON, ESQ.
GREGORY E. GARMAN, ESQ.
*Counsel for the Official Committee of
Holders of Executory Contract Rights of
USA Commercial Mortgage Company*

Approved/Disapproved by:

Approved/Disapproved by:

ORRICK, HERRINGTON & SUTCLIFFE LLP
and BECKLEY SINGLETON, CHTD.

STUTMAN TREISTER & GLATT, P.C. and
SHEA & CARLYON, LTD.

By: /s/ Anne M. Loraditch
MARC A. LEVINSON, ESQ.
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*Counsel for the Official Committee of
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Diversified Trust Deed Fund, LLC*

By: _____
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CANDACE C. CARLYON, ESQ.
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First Trust Deed Fund LLC*

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ORDER DENYING USA COMMERCIAL REAL ESTATE GROUP, INC.'S MOTION TO ENFORCE ORDER GRANTING DEBTORS' MOTION TO DISTRIBUTE FUNDS (AFFECTS ALL DEBTORS)

Approved / Disapproved by:
SYLVESTER & POLEDNAK, LTD.

By: _____
JEFFREY SYLVESTER, ESQ.
Attorneys for USA Commercial Real Estate Group

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Failed to respond: Office of the U.S. Trustee, Gordon & Silver, Ltd., Stutman Treister & Glatt and Shea & Carlyon, Ltd., Sylvester & Polednak, Ltd.

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